

Attorney Docket No. 740756-002666  
Application Serial No. 10/700,516

**REMARKS**

In response to the Office Action of August 5, 2005, Applicants hereby elect with traverse, Group II, since this is the only Group to which claims are readable thereon. Applicants contend that the election requirement as defined in the Office Action is not proper, and, thus, should be reconsidered and withdrawn.

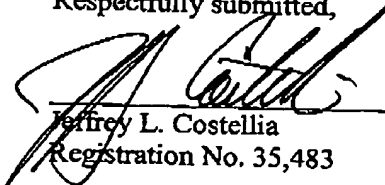
As indicated to the Examiner in a telephone interview conducted on September 27, 2005, the species election is not proper and should be withdrawn since the species are not accurately defined. The Examiner indicated that the Office Action would be withdrawn and that all non-withdrawn claims would be considered. The Examiner later informed the undersigned that a response must be filed for the Office Action to be withdrawn.

Specifically, addressing the Office Action, Group I is defined as being drawn to a magnetic field in a direction perpendicular to the semiconductor film and parallel to a scanning direction when first and second light are irradiated. Claims 1, 2, 3, 5-10 and 17-21 are deemed readable on this Group by the Examiner. A review of the claims, however, indicates that no claims are actually readable on this defined group, since none of the claims recite this feature. As a result, Applicants contend that the species election is not proper, and should be withdrawn.

Moreover, claims 1 and 19 do not recite either of the features defined by the Examiner in the species election. As a result, even if Group I were properly defined, these claims would have to be designated as generic.

In view of the foregoing and the Examiner's interview of September 27, 2005, Applicants respectfully request reconsideration and withdrawal of the species election set forth in the Office Action and consideration on the merits of claims 1-10 and 17-30.

Respectfully submitted,

  
Jeffrey L. Costellia  
Registration No. 35,483

NIXON PEABODY LLP  
Suite 900, 401 9<sup>th</sup> Street, N.W.  
Washington, D.C. 20004-2128  
(202) 585-8000